IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 385 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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STATE OF GUJARAT - Applicant(s)
Versus
KIRITBHAI P SINGHANI & 9 - Respondent(s)

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Appearance :
MR SS PATEL APP for Applicant(s) : 1,
MR KB ANANDJIWALA for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 13/12/2006

ORAL JUDGMENT

1. The State has called into question the order dated 31st March, 1998 of the Chief Judicial

Magistrate, Bhavnagar in Criminal Case No.6588 of 1996, whereby application of the accused for dropping the proceedings was granted. It was seen from the impugned order that, according to the original applicants, the case of the prosecution for alleged offences under the Prevention of Food Adulteration Act, 1954 (the “Act” for short) was based upon reports of the Public Analyst and report of the Central Food Laboratory wherein marginal variations from the prescribed parameters were disclosed. The Trial Court relied upon difference in the dates of the report and analysis in the report of the Public Analyst, although the certificate of the Central Food Laboratory did not have such a discrepancy and it would have superseded the report of the Public Analyst.

2. Learned advocate Ms.Nishita Anandjiwala, appearing with learned advocate Mr.K.B.Anandjiwala, fairly conceded that the issue of difference in the dates of analysis and

report was now squarely covered by the judgment dated 27/11/2006 of this Court in Criminal Revision Application No.330/1998 and allied matters. As for the argument of variation being marginal, it could not be a ground for dropping the proceedings and, in the facts of the present case, indeed it is not made the ground for dropping the proceedings.

3. Therefore, the revision petition is required to be allowed keeping open all the defences that may be available to the respondents in the Trial Court. Accordingly, it is allowed and the impugned order is set aside. Rule is made absolute with no order as to costs.

(D.H.WAGHELA, J.)

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